

By Senator King

8-295-01

1                                   A bill to be entitled  
2           An act relating to release of employee  
3           information by employers; providing specified  
4           requirements of employers with respect to a  
5           background investigation of an applicant for  
6           employment or appointment as a full-time,  
7           part-time, or auxiliary law enforcement  
8           officer, correctional officer, or correctional  
9           probation officer; providing requirements  
10          relating to an authorization to release  
11          information; defining the term "employment  
12          information"; providing for injunctive relief;  
13          providing a presumption; providing for fees to  
14          cover certain costs incurred by the employer;  
15          providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Release of employee information by  
20 employers.--

21           (1)(a) When a law enforcement officer, correctional  
22 officer, or correctional probation officer, or an agent  
23 thereof, is conducting a background investigation of an  
24 applicant for temporary or permanent employment or appointment  
25 as a full-time, part-time, or auxiliary law enforcement  
26 officer, correctional officer, or correctional probation  
27 officer with an employing agency as defined in section  
28 943.10(4), Florida Statutes, the applicant's current or former  
29 employer, or the employer's agent, shall provide to the  
30 officer or his or her agent conducting the background  
31 investigation employment information concerning the applicant.

1 The investigating officer or his or her agent must present to  
2 the employer from whom the information is being sought  
3 credentials demonstrating the investigating officer's  
4 employment with the employing agency and an authorization form  
5 for release of information which is designed and approved by  
6 the Criminal Justice Standards and Training Commission.

7 (b) The authorization form for release of information  
8 must:

9 1. Be either the original authorization or a copy or  
10 facsimile of the original authorization;

11 2. Have been executed by the applicant no more than 1  
12 year before the request;

13 3. Contain a statement that the authorization has been  
14 specifically furnished to the presenting law enforcement  
15 agency; and

16 4. Bear the authorized signature of the applicant.

17 (2) As used in this section, the term "employment  
18 information" includes, but is not limited to, written  
19 information relating to job applications, performance  
20 evaluations, attendance records, disciplinary matters, reasons  
21 for termination, and eligibility for rehire, and other  
22 information relevant to an officer's performance, except  
23 information that any other state or federal law prohibits  
24 disclosing.

25 (3) This section does not require an employer to  
26 maintain employment information other than that kept in the  
27 ordinary course of business.

28 (4) An employer's refusal to disclose information to a  
29 law enforcement agency in accordance with this section  
30 constitutes grounds for a civil action for injunctive relief  
31 requiring disclosure on the part of the employer.

